

New York Law Journal
page 1

December 7, 2018

Committee Approves Pay Raise For New York State Lawmakers

BY DAN M. CLARK

A STATE committee tasked with reviewing a potential salary increase for state lawmakers and top government officials voted on Thursday to limit the amount of outside income allowed for members of the state Legislature while also approving a raise for those officials after the panel's appointee determined it had the power to do so.

The New York State Compensation Committee voted to raise the salary of state lawmakers from \$79,500 to \$130,000 over the next three years, while also limiting the amount of income they can earn outside state government to 15 percent of their base pay.

The first raise is set to phase in at the beginning of 2019, when

lawmakers will be paid \$110,000. It's the first pay increase members of the Legislature have received in two decades.

Alan Klinger, a partner at Stroock & Stroock & Lavan was responsible for the legal analysis of what power, exactly, the committee had in determining a pay raise for members of the Legislature. Stroock attorneys David Kahne, Dina Kolker, Beth Norton, Tina Milburn and Samantha Rubin also worked on the matter.

The firm worked on a pro bono basis for the committee and prepared a memo concerning some of the legal issues involved, such as whether the committee can change the pay structure for state lawmakers and cap the amount they are able to earn outside their jobs in government.

According to Carl » Page 6

Pay Raise

« Continued from page 1

McCall, chairman of the SUNY board of trustees who was also selected to chair the compensation committee, Klinger's team confirmed that the panel could limit the amount of money lawmakers can earn outside their legislative salary.

"We have confirmed with our counsel that it is within the scope of the committee to give consideration to outside income," McCall said.

Klinger also determined that the committee could eliminate stipends that are currently given to certain members of the Legislature in leadership positions.

Those stipends, commonly referred to as "lulus" in Albany-speak, are given to committee chairs and others who are selected to lead other tasks within each chamber. Members of the pay committee suggested that some leaders in the Legislature, such as the Assembly speaker and the Senate majority leader, would retain their stipends.

The committee voted to approve both ideas on Thursday. Starting in 2020, members of the Legislature will not be allowed to earn more than 15 percent of their base salary in a position outside their work in the Capitol. The

committee may also ban outside income from work in certain types of positions, McCall said, such as a practice among some lawmakers to serve as counsel at a law firm. The specific parameters are expected to be laid out in a report due on Monday.

"We've examined the congressional model as to limiting outside income to no more than 15 percent of the salary that legislators receive and to prohibit income from certain types of positions such as attorney-client relationships," McCall said. "Certain relationships, such as teaching, research, and other issues are permissible."

Attorney General Letitia James will also see a raise after the committee's vote. The position, which currently pays \$151,500, will be paid \$220,000 in 2021. The same raise was granted to the state comptroller. That increase will also be phased in over three years. Statewide public officials, such as the attorney general, are already banned from earning outside income.

The committee was not allowed, by statute, to approve a pay raise for the governor and lieutenant governor. That increase has to come in the form of a joint resolution approved by the Legislature, according to the committee. The committee's members, instead, voted to recommend an increase

for those positions that the Legislature could adopt.

They recommended that Gov. Andrew Cuomo get a raise to \$250,000 from his current pay of \$179,000 by 2021. Lt. Gov. Kathy Hochul would see an increase to \$220,000 in that time.

The committee was comprised of four members: McCall, State Comptroller Thomas DiNapoli, New York City Comptroller Scott Stringer, and former New York City Comptroller Bill Thompson. DiNapoli recused himself from the vote on his own salary. The committee was created by Cuomo and the state Legislature.

Chief Judge Janet DiFiore was also supposed to sit on the committee, but she declined to do so. She cited constitutional concerns, at the time, over serving on such a committee as a sitting judge.

@ Dan M. Clark can be reached at dmclark@alm.com. Twitter: @DanClarkReports

W
E
M